

**PLAINTIFF'S MOTION
EXHIBIT 29**

1 F. M. SAWYER

2 Q. What was your understanding
3 about the assignment this time to go sit
4 on Schoolcraft: Was that an arrest
5 situation, an EDP situation, or some
6 other situation?

7 MS. PUBLICKER METHAM:

8 Objection.

9 You can answer.

10 A. It was my understanding this
11 was an EDP situation.

12 Q. Who told you that?

13 A. I don't recall who.

14 Q. Was Miller also carrying a
15 firearm?

16 A. To the best of my knowledge, he
17 was.

18 Q. Did he also have cuffs?

19 A. I don't recall.

20 Q. Did he have a badge?

21 A. Yes.

22 Q. Did he have any other equipment
23 with him?

24 A. I don't recall.

25 Q. Who did you first encounter

1 F. M. SAWYER

2 when you got to the hospital?

3 A. Sergeant Shantel James.

4 Q. Where did you encounter her?

5 A. In the confines of the Jamaica
6 Hospital emergency room.

7 Q. And what did she tell you?

8 A. She made a statement to me
9 about Schoolcraft.

10 Q. What did she say?

11 A. She told me that he was
12 handcuffed to the portable bed, and he
13 nearly ran over other patients and other
14 people that were in the hospital.

15 Q. What else did she say to you?

16 A. I don't recall anything else.

17 Q. Was there anybody else present
18 during this conversation that you had
19 with James?

20 A. There was another police
21 officer with her.

22 Q. Who was that?

23 A. Officer Sadowski.

24 Q. Where was Miller during this
25 discussion?

1 F. M. SAWYER

2 A. He was with me.

3 Q. So he was part of this
4 conversation too?

5 A. Yes, yes.

6 Q. When you got to the hospital,
7 you, and Miller, Sadowski, and James
8 discussed the situation, right?

9 A. That's correct.

10 Q. And do you recall anything else
11 being discussed during this initial
12 discussion between the four of you?

13 A. No.

14 Q. What happened next?

15 A. I -- I -- I observed
16 Schoolcraft talking on a telephone.

17 Q. How much time elapsed between
18 when James told you that he had nearly
19 ran over a patient and others at the
20 hospital and your observing of
21 Schoolcraft being on the phone?

22 A. I don't recall offhand.

23 Q. How long had you been at the
24 hospital and observed Schoolcraft on the
25 phone?

1 F. M. SAWYER

2 A. I -- several minutes at that
3 point.

4 Q. As of the time that you saw
5 Schoolcraft on the phone, had you had any
6 discussions with Schoolcraft with anybody
7 else other than this discussion with
8 James?

9 MS. PUBLICKER METTHAM:

10 Objection.

11 You can answer.

12 A. Just Lieutenant Jones telling
13 me he was at the hospital.

14 Q. So when you got to the
15 hospital, you didn't have any discussions
16 with any of the staff or anybody else
17 working at Jamaica Hospital before you
18 saw Schoolcraft on the phone; is that
19 right?

20 A. I don't recall discussing this
21 with anybody there.

22 Q. What happened after you saw
23 Schoolcraft on the phone?

24 A. I ordered him to get off the
25 phone.

1 F. M. SAWYER

2 Q. Why did you do that?

3 A. Because based on the statement
4 that Sergeant James had given me, I
5 determined that he might be a danger to
6 the other hospital patients, their
7 families, their visitors, as well as
8 staff; and I determined that I was going
9 to double cuff him to the bed so he could
10 no longer walk around with the bed.

11 Q. Was your observation of
12 Schoolcraft being on the phone the first
13 time that you observed him when you got
14 to the hospital?

15 MS. PUBLICKER METTHAM:

16 Objection.

17 You can answer.

18 A. That's correct.

19 Q. Other than being on the phone,
20 did you notice anything about his conduct
21 or demeanor?

22 A. Not that I can recall.

23 Q. Was there anybody standing next
24 to him or close to him?

25 A. I don't recall.

1 F. M. SAWYER

2 Q. Were there any other patients
3 in his vicinity when he was on the phone?

4 A. I don't recall.

5 Q. Was he standing when you saw
6 him on the phone or sitting or lying on
7 the gurney?

8 MS. PUBLICKER METTHAM:

9 Objection.

10 You can answer.

11 A. He was standing.

12 Q. And he was cuffed to the
13 gurney?

14 A. Single cuffed.

15 Q. Which hand?

16 A. I don't recall.

17 Q. How far were you when you saw
18 him standing talking on the phone?

19 A. I don't recall offhand when I
20 first observed him.

21 Q. Did you hear anything that he
22 was saying to anybody on the phone?

23 A. I wouldn't recall that at all.

24 Q. What did you do next?

25 A. I, myself, Officer Miller,

1 F. M. SAWYER

2 Sergeant James, and Officer Sadowski, we
3 double cuffed him to the bed.

4 Q. How much time elapsed from the
5 time that you ordered him to get off the
6 phone and the physical contact that you
7 and the others engaged in double cuffing
8 him to the bed?

9 MS. PUBLICKER METTHAM:

10 Objection.

11 You can answer.

12 A. That I don't recall.

13 Q. Did he respond to this order of
14 yours to get off the phone?

15 A. No, he did not.

16 Q. Did he acknowledge in any way
17 that he heard your request to get off the
18 phone?

19 A. No.

20 Q. He just continued to speak on
21 the phone?

22 A. Yes.

23 Q. Did you say anything else to
24 him?

25 A. I don't recall.

1 F. M. SAWYER

2 the same key worked on both handcuffs.

3 Q. Is that true for all handcuffs
4 or --

5 MS. PUBLICKER METTHAM:

6 Objection.

7 Don't answer.

8 MR. SMITH: Because that is some
9 sort of trade secret?

10 MS. PUBLICKER METTHAM: Law
11 enforcement privilege.

12 MR. SMITH: I will keep that in
13 mind the next time I get handcuffed.

14 Q. All right. You said you
15 assisted him onto the gurney.

16 What do you mean by saying that
17 you assisted him on to the gurney?

18 A. Adrian Schoolcraft refused to
19 sit on the gurney voluntarily so myself
20 and the officers I mention used physical
21 force to place him on the gurney.

22 Q. Did someone ask him to sit on
23 the gurney?

24 A. I don't recall.

25 Q. In what way did he manifest a

1 F. M. SAWYER

2 refusal to sit on the gurney?

3 MS. PUBLICKER METHAM:

4 Objection.

5 You can answer.

6 A. He resisted all attempts to
7 assist him on the gurney.

8 Q. Did he say anything to?

9 A. I don't recall offhand.

10 Q. In what way did he physically
11 resist your attempts to place him on the
12 gurney?

13 MS. PUBLICKER METHAM:

14 Objection.

15 You can answer.

16 A. As we were directing him onto
17 the gurney, he just refused to comply
18 with our instruction.

19 Q. So physically he wasn't
20 compliant, right?

21 A. That's correct.

22 Q. Did anybody say anything to you
23 at the time that you were placing him on
24 the gurney?

25 A. I don't recall.

1 F. M. SAWYER

2 Q. Did anybody on the hospital
3 staff say anything to you that you recall
4 while you were double cuffing him?

5 A. No.

6 MS. PUBLICKER METTHAM:

7 Objection.

8 You can answer.

9 Q. Did you ask anybody for
10 permission to double cuff him?

11 A. No.

12 Q. Did you discuss double cuffing
13 him with anybody at the hospital before
14 you did so?

15 MS. PUBLICKER METTHAM:

16 Objection.

17 You can answer.

18 A. When you say "at the hospital,"
19 are you talking like the hospital staff
20 or any members of the police department?

21 Q. Actually anybody.

22 Did you discuss double cuffing
23 Schoolcraft with anybody other than
24 James, Miller, and Sadowski before you
25 double cuffed him?

1 F. M. SAWYER

2 A. No.

3 MS. PUBLICKER METTHAM:

4 Objection.

5 You can answer.

6 Q. Did Sadowski say anything to
7 you during this discussion that you had
8 with him and James and Miller before you
9 did the double cuffing?

10 MS. PUBLICKER METTHAM:

11 Objection.

12 You can answer.

13 A. I don't recall him doing so.

14 Q. Did Miller say anything during
15 this discussion?

16 A. I don't recall him doing so.

17 Q. Did James say anything to you
18 other than what you already identified
19 her saying to you?

20 A. I don't recall.

21 Q. How was James dressed?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 You can answer.

25 A. I don't recall.

Page 160

1 F. M. SAWYER

2 Q. Did James tell you that she had
3 tried to restrain Schoolcraft?

4 A. I don't recall her doing so.

5 Q. Did you say anything to
6 Schoolcraft when you were applying the
7 cuffs to him?

8 A. I don't --

9 MS. PUBLICKER METTHAM:

10 Objection.

11 You can answer.

12 A. -- I don't recall making any
13 statement to him.

14 Q. Did you tell him this is what
15 happens to rats?

16 A. Absolutely not.

17 Q. Did you squeeze the handcuffs
18 tight?

19 MS. PUBLICKER METTHAM:

20 Objection.

21 You can answer.

22 A. I don't recall how the cuffs
23 were placed on.

24 Q. Who placed the cuffs on?

25 A. I don't even recall who